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Indiana Law Annotated

Vol. 33 No. 7 (October 22, 2007)

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THIS WEEK IN THE LAW SCHOOL

Explore the area of military justice from all angles this week during the Law School's first-ever Military Justice Week. Experienced attorneys and practitioners-in-residence Major **Nick Lancaster**, JD'99, and **Neal Puckett**, JD'84, will each deliver talks. The U.S. Court of Appeals for the Armed Forces is on campus for a Tuesday panel discussion and Thursday oral arguments in the case of *U.S. v. Daniel Pack*. See below for more information.

MONDAY, OCTOBER 22

Taking Action: A Job Search Strategies Workshop

Career Services will offer "Taking Action: A Job Search Strategies Workshop" from noon to 1 p.m. in room 124. Let us help you take charge of your career search! If you haven't yet secured summer or full-time employment, let us help you to further activate your network and better focus your job search.

Whether your search is just getting underway or you want to specialize an ongoing search by learning how to interpret past results, the time has arrived to jump into action by utilizing all of the CSO's resources. The range of our search tools are vast, which means we offer something for everyone and will assist you in finding employment that matches your specific interests, personality, background, and ambitions.

Did you know that on-campus interviews and on-location recruiting represent only a small percentage of the career opportunities available to you? Our students have the unique opportunity to choose from a wide variety of diverse career paths. So if OCI wasn't a good match, or if the organizations that came to campus did not meet your career aspirations, it's time

to make full use of the CSO's other resources. Join us for a session to learn about the next steps and how you can be pro-active in your personal job search. This session is appropriate for 2L and 3L students.

TUESDAY, OCTOBER 23

Individual Mock Interviews

Practice makes perfect when it comes to interviewing so sign up to hone your skills and learn to interview like a pro. R.S.V.P. on Symplicity today for your 30-minute mock interview slot.

Interviews take place from 9 a.m. to noon. This event is appropriate for 2L and 3L students and is limited to six participants on a first come, first serve basis. Contact Kim Bunge (kbunge@indiana.edu) to select your interview time.

You may dress in your interview attire for an additional critique but this is not required. Plan for 20 minutes of questioning and 10 minutes of feedback. Bring a copy of your resume. Caroline Dowd-Higgins, director of Career Services, will facilitate the mock interviews.

Puckett: "Handling High Profile Cases"

Neal Puckett, JD'84, presents "Handling High Profile Cases" from noon to 1 p.m. in the Law School's Moot Court Room. The former military judge and current defense attorney specializing in military cases has received public attention for his work in defense of Brig. Gen. Janis Karpinski in the Abu Ghraib case as well as the marines accused in Iraq's Haditha killings.

PILF Call-out Meeting

The Public Interest Law Foundation (PILF) will host a call-out meeting to discuss its winter break relief trip to New Orleans at 12:30 p.m. in room 122. The trip is scheduled from Dec. 16 through Dec. 21. It is a great opportunity to get some real-world experience in the legal field as well as help disaster victims on the continuing road to recovery. All students are welcome! Please come and find out more about this opportunity, it will only take a few minutes of your time. For more information, contact Neal McHenry at nmchenry@indiana.edu or Rachel Yates at rlyates@indiana.edu.

Armed Forces Appeals Court Answers Your Questions

The Career Services Office will sponsor a panel discussion with judges and staff from the Court of Appeals for the Armed Forces at 4:45 p.m. in the Moot Court Room. This question-and-answer period gives students an opportunity to learn about the career paths of the panelists.

The Psychological and Legal Implications of Supermax' Confinement

Professor Craig Haney, University of California, Santa Cruz, presents "Prisoners of Isolation: The Psychological and Legal Implications of Supermax' Confinement" at 5 p.m. in the Wynne Courtroom, Indiana University School of Law Indianapolis, with a reception at 6 p.m. in the Conour Atrium. Haney's research concerns the application of social psychological principles and data to various legal and civil rights issues. He has studied the way in which attitudes and beliefs about crime and punishment are changed by legal procedures, as well as the role such attitudes and beliefs play in influencing legal fairness and impartiality. Haney is a recipient of the Herbert Jacobs Prize for Most Outstanding Book published on law and society for *Death by Design*, and has been nominated for a National Book Award for Reforming Punishment. This event is free to the public. Parking is available in the Inlow Hall garage on a first-come, first-served basis. Overflow parking is available for a nominal fee at the Natatorium Garage two blocks west of the law school. For more information, visit <http://www.indylaw.indiana.edu/news/events.cfm?eid=151>.

WEDNESDAY, OCTOBER 24

What You Need to Know about the Indiana Bar Exam

Career Services presents "What You Need to Know about the Indiana Bar Exam" from noon to 1 p.m. in room 125. Speakers include Amanda Yonally and **Jere Rosebrock**, JD'06, attorneys with Cohen & Malad in Indianapolis. There has been a 95-percent pass rate for students who have attended this session. The event is free, and lunch is provided. Students will be provided great tips on studying for their first law school exam; how to survive the first semester; overviews of the bar exam and its purpose; what you can and should do NOW to prepare for the exam; and information about IBA's excellent Bar Review Course. To register for these sessions, visit www.indybar.org and click on Event Listing & Registration. To apply for IBA student membership online, please go to <https://www.indybar.org/studentapp.cfm>.

Biology and the Law: Patent Law and Regulatory Affairs

The IU Department of Biology hosts a special "Futures in Biology" lecture from 6 p.m. to 8 p.m. in Jordan Hall 009. "Biology and the Law: Patent Law and Regulatory Affairs in Biology" features panelists Tracy Lawhon, Vice President for Regulatory Affairs and Development Operations at Tragara Pharmaceuticals in San Diego, California; Thomas Plant, Patent Attorney at Eli Lilly and Company; and Brent Harris, Patent Attorney at Roche Diagnostics Corporation. Each speaker's career combines biology-related fields with the law, and all graduated from IU Bloomington with a degree in the biological sciences.

The event is free and open to the public. Attend and enjoy one-on-one talks with panelists and complimentary pizza and beverages following the event. Visit <http://development.bio.indiana.edu/futures/> or contact Christie Wahlert at 856-0593 or cwahlert@indiana.edu.

THURSDAY, OCTOBER 25

U.S. Court of Appeals for the Armed Forces: *U.S. v. Daniel Pack*

Indiana Law welcomes the U.S. Court of Appeals for the Armed Forces to hear arguments in *U.S. v. Daniel Pack* at noon in the Moot Court Room. The CAAF is the highest court of military appeals, the last stop before the United States Supreme Court.

As part of the Court's "Project Outreach" program, students **Susan Castorina** (for the defense) and **Paul Threat** (for the prosecution) will argue as *amici*. They were ably assisted on their briefs by **Manoli Boulukos** and **Aravon McCalla**. Professors **Seth Lahn** and **Aviva Orenstein** were admitted *pro hac vice* to the CAAF to supervise the student's work.

U.S. v. Daniel Pack presents an important and controversial question about the accused's right to confrontation under the Sixth Amendment. The child, M.P., testified via one-way closed circuit television. The Court certified the following question: In light of *Crawford v. Washington* 541 U.S. 36 (2004), appellant was denied his Sixth Amendment right to confront his accuser when the military judge allowed M.P. to testify from a remote location via one-way closed circuit television.

To understand the issues in this case you need to know three U.S. Supreme Court cases.

Crawford v. Washington, 541 U.S. 36 (2004): *Crawford*, reversed decades of precedent, and held that out-of-court testimonial statements be admitted only when the witness is truly unavailable, and the defense has had a prior opportunity to cross-examine. The practical effect of *Crawford*, written by Justice Scalia, has been to require victims to show up and testify, or the prosecution loses the evidence. *Crawford* court explained: "[t]he only *indicium* of reliability sufficient to satisfy constitutional demands is the one the Constitution actually prescribes: confrontation." 541 U.S. at 69-70.

Coy v. Iowa, 487 U.S. 1012 (1988): *Coy* held that a screen that protected the victim from seeing the accused in the courtroom violated the accused's confrontational and due process rights.

Maryland v. Craig, 497 U.S. 836 (1990): *Craig* allowed a narrow exception allowing two-way closed circuit television where the court made specific findings that the child would be traumatized by seeing the accused. Justice Scalia authored a blistering dissent on behalf of the four dissenters: The four *Craig* dissenters argued that allowing CCTV testimony would eviscerate Sixth Amendment protection, proclaiming that "[s]eldom has [the] Court failed so conspicuously to sustain a categorical guarantee of the Constitution against the tide of prevailing opinion." 497 U.S. 860-861.

Therefore, the question that the CAAF has to address is whether *Crawford*, with its emphasis on the value of confrontation, has effectively overruled the Court's holding in *Craig*.

FRIDAY, OCTOBER 26

Lunch with a Lawyer: Major Nick Lancaster, JD'99

Major **Nick Lancaster**, JD'99, will explore the area of military justice from noon to 1 p.m in the Student Lounge. Students will learn about ethics and practice in the military from Major Lancaster. There will be free pizza. Major Lancaster is an active-duty Judge Advocate currently teaching Criminal Law at the JAG school in Charlottesville, Va. He spent five months in Afghanistan in 2002 and 11 months in Iraq while assigned to the 101st Airborne Division. Please R.S.V.P.

UPCOMING EVENTS

Indiana Court of Appeals Oral Argument: Oct. 29

The Indiana Court of Appeals will hear oral argument in *Shafer & Freeman Lakes Environmental Conservation Corporation v. Justin Stichnoth and Corraine Stichnoth* at noon on Monday, Oct. 29, in the Moot Court Room at the Indiana University School of Law in Bloomington. A panel of Judge Edward W. Najam Jr.; Judge **Paul D. Mathias**, JD'79; and Judge Cale J. Bradford will hear the case on appeal from White Circuit Court. Each side will have 30 minutes for argument. For more information, please visit <http://www.in.gov/judiciary/appeals/mapapp/docs/glance/shafer-stichnoth.pdf> or contact the court at (317) 234-4859.

JD/MBA Presentation

On Tuesday, Oct. 30, the Kelley School of Business Graduate Program will present a joint-degree options information session for law students considering a joint degree. The session will be held from noon to 1:15 p.m. in room 120. Food and beverages will be provided.

OWLS Halloween Trick-or-Treating for Children of Students, Faculty, Staff

All children of Law School faculty, staff, and students are invited to participate in trick-or-treating on Tuesday, Oct. 30, sponsored by Older and Wiser Law Students (OWLS). Costumed children should gather with an adult at the front lobby of the Law School beginning at 4:30 p.m.; trick-or-treating will last until 5:15 p.m. Children can pick up "Evidence Bags" for collecting their treats at the OWLS table in the Law School lobby. Volunteers on each floor of the building will help direct the children to the offices participating in the event. A short play about the law and Halloween put on by the Law and Drama Society will follow the trick-or-treating event. Take advantage of this safe, fun opportunity for celebration and the chance for kids to see where their moms and dads work or go to school.

Volunteers are needed! There is plenty of work to go around, including setting up, directing kids, and cleaning up when the event is over. For more information, (including volunteer opportunities) please contact Byram Beckstead, bbeckste@indiana.edu, or Nicole Bolden, fbolden@indiana.edu.

ISBA Panel Discussion

The Indiana State Bar Association (ISBA) invites you for pizza and a lively panel discussion from noon to 1 p.m. on Wednesday, Oct. 31, in room 124. Panelists are **Holly Harvey**, JD'97, Bunker & Robertson; **Clay Miller**, JD'93, Baker & Daniels LLP; and Frank Motley, Indiana University. Learn why these lawyers feel ISBA involvement is beneficial to them and the community, and learn about free on-line legal research. The lawyers will share with you the type of law they practice and their unique involvement with bar associations. Bar associations offer an opportunity for networking with practicing lawyers throughout the state as well as leadership opportunities.

Concerned Citizens Lecture: Meth and the Community

Will Garriott, an anthropologist from Princeton University, will present "Concerned Citizens: Community Policing in the Midst of the Methamphetamine Epidemic" at 5:30 p.m., Nov. 8, at Ballantine Hall 005.

FACULTY NEWS

Professor **Fred H. Cate** gave the keynote address to open the Third Bilateral Talks between the United States and the European Union on Cross Border Data Flows & Privacy; participated in the Government Accountability Office's Expert Forum on "Coverage of Privacy Laws;" chaired a meeting of the working group on the American Law Institute's project on "Principles of the Law of Government Access to and Use of Digital Information;" and gave a CLE program for the Indiana Legislative Services Agency on "Identity Theft, Security Breaches, Social Security Numbers, and Financial Fraud."

On Oct. 17, Professor **Dawn Johnsen**, former Acting Assistant Attorney General in the Office of Legal Counsel, served on a panel of experts who testified on the responsibilities of the Department of Justice during the Senate Judiciary Committee's confirmation hearings on Attorney General-nominee Michael Mukasey. Other members of the panel included Chuck Canterbury, president of the Fraternal Order of Police; Rear Admiral John Hutson, former Judge Advocate General of the Navy and currently dean of the Franklin Pierce Law Center; Theodore Shaw, president of the NAACP Legal Defense & Educational Fund; former AG and Pennsylvania Governor Dick Thornburgh; and Mary Jo White, former U.S. attorney for the Southern District of New York.

Johnsen also served as a panelist on "Principles to Guide the Department of Justice under the Next Attorney General" at the National Press Club in Washington, D.C., Oct. 10 (sponsored by the American Constitution Society); as a panelist at conference on "The Presidency in the Twenty-First Century" at Boston University, Oct. 11; and as a panelist on "The New Separation of Powers: Parties, Politics, and the Presidency" at Yale Law School, Oct. 12.

On Oct. 10, Professor **Leandra Lederman** presented her article entitled "'Stranger Than Fiction': Taxing Virtual Worlds," at a faculty workshop at St. Louis University School of Law.

Professor **Mark Need** presented "Expansion of Skills Training to Newer Areas" at the Midwest Clinical Conference at Drake University.

Congratulations to **Bill Popkin**, whose book *Evolution of the Judicial Opinion: Institutional and Individual Styles* has just been published by the NYU Press.

ANNOUNCEMENTS

Student, Alumni Honored for Writings

Doug Hass, 3L, and 2007 graduates **Rebecca Stachel** and **Kellen Ressmeyer** have recently been honored for their writings in national competitions. Hass won first place in the American Judges Association 2007 Law Student Essay Competition for a paper titled, "Crafting Military Commissions Post-Hamdan: The Military Commissions Act of 2006." Stachel took second place in the competition with her paper "The License to Torture: Contrary to Military Practice." Ressmeyer won the essay category in the Milani Writing Competition for her paper, "To Sign or Not to Sign?: An Analysis of the Convention on the Rights of Persons with Disabilities." The Adam A. Milani Disability Law Writing Competition is a national writing competition sponsored by the Mercer University School of Law and the American Bar Association Commission on Mental and Physical Disability Law.

Briefs from the Kitchen Is Back!

Please submit your recipes for the second edition of "Briefs from the Kitchen," a cookbook sponsored by the Health Law Society. E-mail your recipes to agravell@indiana.edu. Cookbooks will go on sale in November and be back in time for holiday gift-giving.

PDP Thank You Cards for Sale

Phi Delta Phi (PDP) is selling thank you cards in the Law School lobby Monday through Wednesday from noon to 1 p.m. The cards are perfect for those going through OCI and other interviews. Buy them now before they're sold out!

Scheduling Events

All e-mail about reserving classrooms must be sent to BL-LAW-EVENTS. Mail must be sent to the correct address, bl-law-events (for Outlook users) or bl-events-law@exchange.indiana.edu (for non-Outlook users). Please include the date and time of event, the length of time room will be needed, the classroom requested, and the number of people attending the event. Requests should be sent at least one week before the event and should include the name of the person requesting, the organization planning the event, and an e-mail address. Confirmations will be sent by reply e-mail. Thank you!

Audio-Video Services

Requests for AV services may be sent to Beth at av@exchange.indiana.edu. Please include the name of your group and the e-mail address of the contact person, a description of what you want

to do, and the date, location, starting time, and duration of the event. Requests must be made at least 48 hours in advance and will be confirmed by e-mail.

ILA SUBMISSIONS

The *Indiana Law Annotated (ILA)* is published every Monday while school is in session with news about the coming week. Information and articles for the *ILA* should be submitted to ila@indiana.edu by Thursday at noon for inclusion in Monday's edition. If you have questions about an item appearing in the *ILA*, please contact **Debbie O'Leary** (e-mail devo99@indiana.edu; phone 855-2426). To view past issues, visit www.law.indiana.edu/publications/ila/.